

SENATE BILL 513

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CF HB 1257

By: **Senators Conway, Currie, Forehand, Frosh, Harrington, Jones, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Miller, Muse, Peters, Pinsky, Pugh, Raskin, and Zirkin**

Introduced and read first time: February 3, 2010

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 4, 2010

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources ~~—Vessels~~ – No-Discharge Designation for Maryland**
3 **Waters – Reports**

4 FOR the purpose of ~~clarifying certain provisions of law relating to the duties of~~
5 ~~operators of vessels with respect to the overboard discharge of certain sewage~~
6 ~~into the waters of the State; increasing the amount of a certain penalty for~~
7 ~~certain violations; authorizing certain officers to enforce certain provisions of~~
8 ~~law and to inspect certain vessels; requiring the Department of Natural~~
9 ~~Resources to adopt certain regulations; requiring the Department to initiate a~~
10 ~~certain process with the U.S. Environmental Protection Agency relating to a~~
11 ~~no discharge zone in Maryland waters on or before a certain date; altering~~
12 ~~certain definitions relating to marine sanitation devices; making a certain~~
13 ~~section of this Act subject to a certain contingency~~ requiring the Department of
14 Natural Resources to provide certain reports to the Governor and General
15 Assembly, on or before certain dates, on the establishment of a no-discharge
16 zone in all waters of the State; requiring a certain report to include certain
17 information; and generally relating to the discharge of treated and untreated
18 sewage from vessels into the study of establishing a no-discharge zone in
19 waters of the State.

20 ~~BY repealing and reenacting, with amendments,~~
21 ~~Article – Natural Resources~~
22 ~~Section 8 – 741~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~Annotated Code of Maryland~~
 2 ~~(2007 Replacement Volume and 2009 Supplement)~~

3 ~~BY adding to~~
 4 ~~Article — Natural Resources~~
 5 ~~Section 8 — 741(g) and (h)~~
 6 ~~Annotated Code of Maryland~~
 7 ~~(2007 Replacement Volume and 2009 Supplement)~~

8 ~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF~~
 9 ~~MARYLAND, That the Laws of Maryland read as follows:~~

10 ~~Article — Natural Resources~~

11 ~~§ 741.~~

12 ~~(a) (1) For the purposes of this section the following words have the~~
 13 ~~meanings indicated:~~

14 ~~(2) (i) “Marine sanitation device” means any equipment on board a~~
 15 ~~vessel which is designed to receive, retain, treat or discharge sewage and any process~~
 16 ~~to treat sewage on board, AND IS CERTIFIED IN ACCORDANCE WITH § 312 OF THE~~
 17 ~~CLEAN WATER ACT (33 U.S.C. § 1322 ET SEQ.).~~

18 ~~(ii) “Marine sanitation device” includes:~~

19 ~~1. Type I marine sanitation device, which produces an~~
 20 ~~effluent having a fecal coliform bacteria count not greater than 1,000 per 100~~
 21 ~~milliliters and no visible floating solids;~~

22 ~~2. Type II marine sanitation device, which produces an~~
 23 ~~effluent having a fecal coliform bacteria count not greater than 200 per 100 milliliters~~
 24 ~~and suspended solids not greater than 150 milligrams per liter; and~~

25 ~~3. Type III marine sanitation device, which is [certified~~
 26 ~~to a no-discharge standard, including recirculating and incinerating marine sanitation~~
 27 ~~devices and holding tanks] **DESIGNED TO PREVENT THE OVERBOARD DISCHARGE**~~
 28 ~~**OF TREATED OR UNTREATED SEWAGE OR ANY WASTE DERIVED FROM SEWAGE.**~~

29 ~~(3) “Sewage” means:~~

30 ~~(i) Human body wastes; and~~

31 ~~(ii) The wastes from toilets and other receptacles intended to~~
 32 ~~retain body waste.~~

1 (4) ~~["Y valve"] "VALVE" means a device capable of diverting the flow~~
2 ~~of marine sewage so that a vessel's marine sanitation device is bypassed and [raw]~~
3 ~~sewage is discharged directly into the water.~~

4 (b) ~~The following vessels equipped with an installed toilet shall be equipped~~
5 ~~with an operable marine sanitation device:~~

6 (1) ~~A vessel 65 feet in length and under shall have a Type I, II, or III~~
7 ~~marine sanitation device; or~~

8 (2) ~~A vessel over 65 feet in length shall have a Type II or III marine~~
9 ~~sanitation device.~~

10 (c) (1) ~~A Type I or Type II marine sanitation device shall have a~~
11 ~~certification label affixed that at a minimum shows:~~

12 (i) ~~The name of the manufacturer;~~

13 (ii) ~~The name and model number of the device;~~

14 (iii) ~~The month and year of manufacture;~~

15 (iv) ~~The marine sanitation device type;~~

16 (v) ~~A certification number; and~~

17 (vi) ~~A certification statement.~~

18 (2) ~~A Type III marine sanitation device is automatically certified, and~~
19 ~~requires no label, provided it stores sewage and flushwater only, at ambient air~~
20 ~~temperature and pressure.~~

21 (d) (1) ~~While a vessel with an installed toilet is on Maryland waters, the~~
22 ~~operator shall insure that:~~

23 (i) ~~All pathways for overboard discharge of vessel sewage,~~
24 ~~TREATED OR UNTREATED, from any vessel with a TYPE I, TYPE II, OR Type III~~
25 ~~marine sanitation device are blocked or secured in such a way as to prevent any~~
26 ~~accidental or intentional vessel sewage discharge, by disconnecting or physically~~
27 ~~blocking those onboard sewage lines or hull fittings which would allow for overboard~~
28 ~~vessel sewage discharge; and~~

29 (ii) ~~Any [installed in line Y] valve THAT COULD DIRECT~~
30 ~~SEWAGE INTO THE WATER shall be secured to prevent the overboard discharge of~~
31 ~~sewage, TREATED OR UNTREATED, from any vessel utilizing a TYPE I, TYPE II, OR~~
32 ~~Type III marine sanitation device, by bypassing, locking, securing, or disabling the~~
33 ~~valve using a padlock or nonreusable wire tie wrap, or by removal of the valve handle,~~

1 ~~or by any other method in accordance with federal regulations and standards or as~~
 2 ~~approved or required by the Department.~~

3 ~~(2) The chosen compliance method under paragraph (1)(ii) of this~~
 4 ~~subsection shall totally eliminate the possibility of overboard vessel sewage discharge~~
 5 ~~while in waters of the State. The method chosen shall present a physical barrier to the~~
 6 ~~use of [the Y] ANY valve THAT COULD DIRECT SEWAGE INTO THE WATER, whether~~
 7 ~~accidental or intentional, so that use of the valve TO DISCHARGE SEWAGE INTO THE~~
 8 ~~WATER cannot occur without the knowledge of the operator of the vessel.~~

9 ~~(e) For any vessel offered as a noncaptained charter, the leasing entity shall:~~

10 ~~(1) Ensure that the vessel complies with this section when presented~~
 11 ~~to the lessor; and~~

12 ~~(2) Include in the lease agreement, signed by the leasing party, a~~
 13 ~~paragraph outlining the operator's responsibilities under this section.~~

14 ~~(f) A person who violates a provision of this section is subject to a civil~~
 15 ~~penalty not exceeding [\$2,000] \$10,000 PER OCCURRENCE.~~

16 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland~~
 17 ~~read as follows:~~

18 ~~Article Natural Resources~~

19 ~~§ 741.~~

20 ~~(G) THE FOLLOWING OFFICERS HAVE THE AUTHORITY TO ENFORCE~~
 21 ~~THIS SECTION AND TO INSPECT ANY VESSEL SUBJECT TO THIS SECTION:~~

22 ~~(1) NATURAL RESOURCES POLICE;~~

23 ~~(2) ANY SWORN STATE OR LOCAL LAW ENFORCEMENT OFFICER~~
 24 ~~WITH JURISDICTION TO ENFORCE THE LAWS IN THE COUNTY OR MUNICIPALITY~~
 25 ~~IN WHICH THE MARINA OR VESSEL IS LOCATED; AND~~

26 ~~(3) UNITED STATES COAST GUARD PERSONNEL.~~

27 ~~(H) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO~~
 28 ~~ENFORCE THIS SUBTITLE, INCLUDING REGULATIONS TO:~~

29 ~~(1) AUTHORIZE ROUTINE INSPECTIONS OF VESSEL EQUIPMENT~~
 30 ~~TO ENSURE THAT MARINE SANITATION DEVICES HAVE BEEN SECURED IN~~
 31 ~~ACCORDANCE WITH THE PROVISIONS OF THIS SECTION;~~

1 ~~(2) AUTHORIZE PERIODIC COLOR DYE FLUSH TESTS OF MARINE~~
2 ~~SANITATION DEVICES;~~

3 ~~(3) ALLOW AUTHORIZED LAW ENFORCEMENT OFFICERS TO ISSUE~~
4 ~~CITATIONS FOR IDENTIFIED ILLEGAL DISCHARGES; AND~~

5 ~~(4) PROVIDE FOR THE EDUCATION OF BOATERS AND THE~~
6 ~~BOATING COMMUNITY ABOUT THE PROVISIONS OF THIS SECTION.~~

7 ~~SECTION 3. AND BE IT FURTHER ENACTED, That, on or before July 1,~~
8 ~~2010, in accordance with § 312 of the Clean Water Act (33 U.S.C. § 1322 et seq.), the~~
9 ~~State shall initiate the process with the U.S. Environmental Protection Agency to~~
10 ~~designate Maryland waters as a no-discharge zone.~~

11 ~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall~~
12 ~~take effect June 1, 2010, contingent on the determination of the U.S. Environmental~~
13 ~~Protection Agency that adequate facilities for the safe and sanitary removal and~~
14 ~~treatment of sewage from all vessels are reasonably available for all Maryland waters.~~
15 ~~The Department of Natural Resources, within 5 days after receiving such a~~
16 ~~determination from the U.S. Environmental Protection Agency, shall forward a copy of~~
17 ~~the determination to the Department of Legislative Services, 90 State Circle,~~
18 ~~Annapolis, MD 21401.~~

19 ~~SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in~~
20 ~~Section 4 of this Act, this Act shall take effect June 1, 2010.~~

21 ~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF~~
22 ~~MARYLAND, That:~~

23 ~~(a) The Department of Natural Resources shall:~~

24 ~~(1) on or before December 1, 2010, provide an interim report to the~~
25 ~~Governor and General Assembly, in accordance with § 2-1246 of the State~~
26 ~~Government Article, that includes recommendations for initiating a no-discharge zone~~
27 ~~in all waters of the State; and~~

28 ~~(2) on or before December 1, 2011, provide a final report to the~~
29 ~~Governor and General Assembly, in accordance with § 2-1246 of the State~~
30 ~~Government Article, on the establishment of a no-discharge zone in all waters of the~~
31 ~~State.~~

32 ~~(b) The final report required under subsection (a)(2) of this section shall~~
33 ~~include:~~

34 ~~(1) an analysis of the environmental impact of pollution from Type I~~
35 ~~and Type II marine sanitation devices on waters of the State;~~

1 (2) an analysis of the adequacy and availability of pump-out facilities
2 for recreational and commercial vessels in and along waters of the State;

3 (3) recommendations on the enforcement actions, including penalties,
4 that would be necessary to implement a no-discharge zone in all waters of the State;

5 (4) information regarding the costs associated with the installation of
6 holding tanks on recreational and commercial vessels; and

7 (5) a review of relevant federal law related to establishing a
8 no-discharge zone in all waters of the State.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 June 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.